

REMARKS

By this paper, claims 1-8, 14, 16-28, 47, 50-55, 57-61, 63-69, 71 and 80-85 have been canceled. Claims 9-13, 15, 29-46, 48, 49, 62, 70 and 72-79 remain pending.

In the outstanding Office action dated October 29, 2003, claims 9-13, 15, 26-46, 48, 49, 54-56, 61, 62, 70, 72-79, 84 and 85 were rejected under 35 U.S.C. § 112, second paragraph. Claims 54, 55, 61, 84 and 85 have been canceled to obviate the § 112 rejection of those claims. As to claim 9 and amended claim 72, it is respectfully submitted that the subject matter recited in the claims does indeed satisfy the requirements of § 112. Each of claims 9 and 72 recite an expandable frame that is longitudinally spaced from a graft component. It is the attaching structure itself that spaces what is defined in claims 9 and 72 as an expandable frame. Irrespective of whether the attaching structure is considered integral to the expandable frame or not, it remains that the attaching structure does indeed space the expandable frame from the graft component. Significantly, claims 9 and 72 make a distinction between the expandable frame and the attaching structure. By making this distinction, claims 9 and 72 are just as clear as a claim which might require a proximal or superior end point of an expandable frame to be spaced from a graft component. It is respectfully submitted that it is not logical to conclude that an expandable frame is not spaced from a graft component because the attaching structure extends therefrom to a graft component just as it would not be logical to conclude that a proximal or superior end point of an expandable frame is not longitudinally spaced from a graft component because of other structure extending from the proximal or superior point of the expandable frame to a graft component. As such, it is respectfully submitted that each of the claims satisfy the requirements of § 112.

In the outstanding Office action, claims 9-13, 15, 29-33, 35-40, 42, 54-56, 61, 62, 72, 84 and 85 were rejected under 35 U.S.C. § 102(e) as being anticipated by or in the alternative under

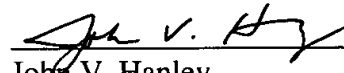
35 U.S.C. § 103(a) as being obvious over Kugler et al. (6,280,466). Also, claims 34, 41, 43-46, 48, 49 and 73-79 were rejected under § 103(a) as being unpatentable over Kugler et al. It is respectfully submitted, however, that the pending claims are in fact patentable over the Kugler et al. reference. Significantly, the stent 10 of the Kugler reference is attached directly to a graft whereas each of the pending claims require that the expandable frame be longitudinally separated from the graft. Moreover, certain of the dependent claims add details which are clearly not taught by the Kugler et al. reference. In particular, dependent claim 70 was not rejected over the art in the outstanding Office action and as such it is believed to also define patentable subject matter through its recitation of variable sized radiopaque markers. Additionally, new claims 86-93 also recite subject matter not taught by the Kugler et al. reference. Clearly, the Kugler et al. reference does not contemplate placing stents or reinforcing structure both on an interior and an exterior of a graft component. It is to be noted that in addressing claim 41, the Examiner merely stated that it would be well known in the art to place stents on the exterior of grafts so that they did not interfere with the blood flow within the artery but no reason was provided for placing such structure on the inside and outside of graft components. Furthermore, the Kugler et al. reference does not teach or disclose attaching legs of a graft component together as is recited in claims 89 and 93 nor configuring reinforcing and stent structures along a graft component so that there is no overlapping structures as recited in claims 88 and 92. Accordingly, it is believed that the pending claims of the present application define patentable subject matter.

CONCLUSION

Applicant has attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



John V. Hanley
Registration No. 38,171

JVH/kst
Fulwider Patton Lee & Utecht, LLP
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Tele.: (310) 824-5555
Fax: (310) 824-9696
39877.1